

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kathleen O'Shea and Sandeep Trisal on behalf
of themselves and all others similarly situated,

Plaintiffs,

-against-

P.C. Richard & Son, LLC (d/b/a P.C. Richard
& Son) and P.C. Richard & Son, Inc. (d/b/a
P.C. Richard & Son),

Defendants.

Index No. 2:15-cv-09069-KPF

NOTICE OF SUPPLEMENTAL AUTHORITY

In further support of Defendants' pending Motion to Dismiss Plaintiffs' First Amended Complaint pursuant to Rules 12(b)(1) and (6) (Dkt. No. 35), Defendants respectfully submit the recent decision in *Meyers v. Nicolet Restaurant of De Pere, LLC*, -- F. 3d --, 2016 WL 7217581 (7th Cir. Dec. 13, 2016), which vacated and remanded the plaintiff's FACTA claims for failure to truncate credit card expiration dates for dismissal under Rule 12(b)(1) for lack of Article III standing.

Dated: New York, New York
December 19, 2016

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ J. Peter Coll, Jr.

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